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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/089,996	04/05/2002	Tatsuji Nagaoka	9683/112	5819

7590 03/02/2005

Brinks Hofer Gilson & Lione
P O Box 10395
Chicago, IL 60610

EXAMINER

YOUNG, JOHN L

ART UNIT	PAPER NUMBER
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3622

DATE MAILED: 03/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/089,996

Applicant(s)

NAGAOKA ET AL.

Examiner

John L Young

Art Unit

3622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 April 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 02/22/2005.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

FINAL REJECTION

DRAWINGS

1. This application has been filed with drawings that are considered informal; however, said drawings are acceptable for examination and publication purposes. The review process for drawings that are included with applications on filing has been modified in view of the new requirement to publish applications at eighteen months after the filing date of applications, or any priority date claimed under 35 U.S.C. §§119, 120, 121, or 365.

DUPLICATE CLAIM WARNING — 37 CFR §1.75

2. Applicant is advised that should claim 14 be found allowable, then claims 16 & 17 will be objected to under 37 CFR 1.75 as being substantial duplicates thereof. When two or more claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

CLAIM OBJECTION — 37 CFR §1.75

3. Claim 13 is objected to because of a typographical error. At line 1 of claim 13, after the word "mobile" insert the word --terminal--.

CLAIM REJECTIONS MAINTAINED — 35 U.S.C. §103(a)

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of

this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-17 are rejected under 35 U.S.C. §103(a) as being unpatentable over Dimitriadis US 5,664,948 (Sep. 09, 1997) [US f/d: Oct. 11, 1994] (herein referred to as “Dimitriadis”).

As per independent claim 1, Dimitriadis (FIG. 3; FIG. 6; FIG. 1; FIG. 2; the ABSTRACT; col. 1, ll. 25-67; col. 2, ll. 2-30; col. 2, ll. 60-67; col. 3, ll. 1-67; col. 4, ll. 1-67; col. 5, ll. 1-67; col. 6, ll. 1-67; col. 7, ll. 1-67; col. 8, ll. 1-67; col. 9, ll. 1-67; and col. 10, ll. 1-20) shows: “A broadcasting utilizing method comprising the steps of: receiving service information, which expresses a qualification for receiving a service, together with a broadcast and transmits the service information to a mobile terminal by a receiver; and receiving and storing the service information. . . .”

Dimitriadis lacks explicit recitation of “outputting stored service information in accordance with an instruction received from a user by the mobile terminal”

It would have been obvious to one of ordinary skill in the art at the time of the invention that the disclosure of Dimitriadis (FIG. 3) implicitly shows “outputting stored service information in accordance with an instruction received from a user by the mobile terminal. . . .” because modification and interpretation of the cited disclosure of

Dimitriadis cited above would have provided means to “*deliver data and information including advertising information to a receiving device. . . .*” (See Dimitriadis (col. 2, ll. 1-10)), based on the motivation to modify Dimitriadis so that “*the advertiser incurs less expense for each advertisement presentation . . . [b]ecause the advertising information is broadcast only one time and presented multiple times. . . .*” (See Dimitriadis (col. 2, ll. 1-10)).

As per independent claim 2, Dimitriadis (FIG. 3; FIG. 6; FIG. 1; FIG. 2; the ABSTRACT; col. 1, ll. 25-67; col. 2, ll. 2-30; col. 2, ll. 60-67; col. 3, ll. 1-67; col. 4, ll. 1-67; col. 5, ll. 1-67; col. 6, ll. 1-67; col. 7, ll. 1-67; col. 8, ll. 1-67; col. 9, ll. 1-67; and col. 10, ll. 1-20) shows: “A broadcasting utilizing method comprising the steps of: receiving service information, which expresses a qualification for receiving a service, together with a broadcast and outputting the service information by a receiver . . . transmitting the service request to a service providing device by the receiver; receiving the service request and transmitting information corresponding to the service request to the receiver by the service providing device; and transmitting the information corresponding to the service request to the mobile terminal by the receiver.”

Dimitriadis lacks explicit recitation of “transmitting, in accordance with a user request, a service request to the receiver, the service request including personal information on a user that is stored in advance and information on the qualification for receiving a service by a mobile terminal. . . .”

It would have been obvious to one of ordinary skill in the art at the time of the invention that the disclosure of Dimitriadis (col. 9, ll. 1-67) implicitly shows “transmitting, in accordance with a user request, a service request to the receiver, the service request including personal information on a user that is stored in advance and information on the qualification for receiving a service by a mobile terminal. . . .” because modification and interpretation of the cited disclosure of Dimitriadis cited above would have provided means to “*deliver data and information including advertising information to a receiving device. . . .*” (See Dimitriadis (col. 2, ll. 1-10)), based on the motivation to modify Dimitriadis so that “*the advertiser incurs less expense for each advertisement presentation . . . [b]ecause the advertising information is broadcast only one time and presented multiple times. . . .*” (See Dimitriadis (col. 2, ll. 1-10)).

Claim 3 is rejected for at least substantially the same reasons as claim 2.

Claim 4 is rejected for at least substantially the same reasons as claim 3.

Claim 5 is rejected for at least substantially the same reasons as claim 4.

Claim 6 is rejected for at least substantially the same reasons as claim 5.

Claim 7 is rejected for at least substantially the same reasons as claim 6.

Claim 8 is rejected for at least substantially the same reasons as claim 7.

Claim 9 is rejected for at least substantially the same reasons as claim 8.

Claim 10 is rejected for substantially the same reasons as claim 2.

Dependent claim 11 is rejected for at least substantially the same reasons as independent claim 10.

Claim 12 is rejected for at least substantially the same reasons as claim 1.

Claim 13 is rejected for at least substantially the same reasons as claim 2.

Claim 14 is rejected for at least substantially the same reasons as claim 8.

Claim 15 is rejected for at least substantially the same reasons as claim 14.

Claim 16 is rejected for exactly the same reasons as claim 14.

Claim 17 is rejected for exactly the same reasons as claim 16.

CONCLUSION

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5. Any response to this action should be mailed to:

Commissioner for Patents

P. O. Box 1450

Alexandria, VA 22313-1450

Any response to this action may be sent via facsimile to either:

(703) 746-7239 or (703) 872-9314 (for formal communications EXPEDITED
PROCEDURE) or (703) 746-7239 (for formal communications marked AFTER-FINAL)

or

(703) 746-7240 (for informal communications marked PROPOSED or DRAFT).

Hand delivered responses may be brought to:

Seventh floor Receptionist
Crystal Park V
2451 Crystal Drive
Arlington, Virginia.

Any inquiry concerning this communication or earlier communications from the
examiner should be directed to John L. Young who may be reached via telephone at (703)
305-3801 or (571) 272-6725. The examiner can normally be reached Monday through
Friday between 8:30 A.M. and 5:00 P.M.

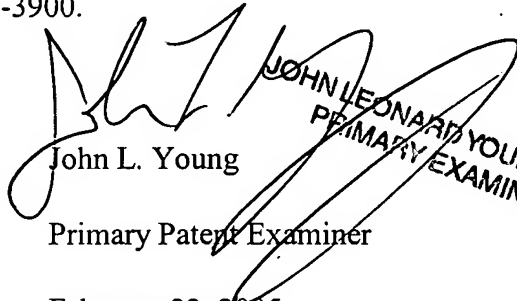
If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, Eric Stamber, may be reached at (703) 305-8469 or (571) 272-6724.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.


John L. Young
Primary Patent Examiner
February 22, 2005

JOHN LEONARD YOUNG, ESQ.
PRIMARY EXAMINER